

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA 325 West "F" Street, San Diego, California 92101-6991		
In Re		BANKRUPTCY NO.
	Debtor.	
		RS NO.
	Moving Party	
	Respondent(s)	

MOTION FOR RELIEF FROM AUTOMATIC STAY
☐ **REAL PROPERTY** ☐ **PERSONAL PROPERTY**

Movant in the above-captioned matter moves this Court for an Order granting relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on _____.
2. Procedural Status:
 - a. ☐ Name of Trustee Appointed (*if any*): _____
 - b. ☐ Name of Attorney of Record for Trustee (*if any*): _____
 - c. ☐ (*Optional*) Prior Filing Information:
 Debtor has previously filed a Bankruptcy Petition on: _____.
 If applicable, the prior case was dismissed on: _____.
 - d. ☐ (*If Chapter 13 case*): Chapter 13 Plan was confirmed on _____ or a confirmation hearing is set for _____.

Movant alleges the following in support of its Motion:

1. ☐ The following real property is the subject of this Motion:
 - a. Street address of the property including county and state: _____
 - b. Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved): _____
 - c. Legal description of property is attached as Exhibit A.
 - d. *Fair market value of property as set forth in the Debtor's schedules: \$_____.

e. *Nature of Debtor's interest in the property:

2. ☐ The following personal property is the subject of this Motion (*describe property*):

a. Fair market value of property as set forth in the Debtor's schedules: \$_____.

b. Nature of Debtor's interest in the property:

3. *Fair market value of property according to Movant: \$_____.

4. *Nature of Movant's interest in the property:

5. *Status of Movant's loan:

a. Balance owing on date of Order for Relief: \$_____

b. Amount of monthly payment: \$_____

c. Date of last payment: _____

d. If real property, _____

(1) Date of default: _____

(2) Notice of Default recorded on: _____

(3) Notice of Sale published on: _____

(4) Foreclosure sale currently scheduled for: _____

e. If personal property, _____

(1) Pre-petition default: \$_____ No. of months: _____

(2) Post-petition default: \$_____ No. of months: _____

6. (*If Chapter 13 Case, state the following:*)

a. Date of post-petition default: _____

b. Amount of post-petition default: \$_____

7. Encumbrances:

a. Voluntary encumbrances on the property listed in the Schedules or otherwise known to Movant:

Lender Name	Principal Balance	(IF KNOWN) Pre-Petition Arrearages Total Amount - # of Months		Post-Petition Arrearages Total Amount - # of Months	
1st:					
2nd:					
3rd:					
4th:					
Totals for all Liens:	\$	\$		\$	

b. Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens) as listed in schedules or otherwise known to Movant:

☐ See attached page, if necessary.

8. Relief from the automatic stay should be granted because:

- a. ☐ Movant's interest in the property described above is not adequately protected.
- b. ☐ Debtor has no equity in the ☐ real property ☐ personal property described above and such property is not necessary to an effective reorganization.
- c. ☐ The property is "single asset real estate", as defined in 11 U.S.C. § 101(51B), and 90 days (or _____ days as ordered by this court) have passed since entry of the order for relief in this case, and
- (1) the Debtor/Trustee has not filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; and
- (2) the Debtor/Trustee has
- (A) ☐ not commenced monthly payments to each creditor whose claim is secured by the property (other than a claim secured by a judgment lien or by an unmatured statutory lien), or
- (B) ☐ commenced payments, but such payments are less than an amount equal to interest at a current fair market rate on the value of each creditors' interest in the property.
- d. ☐ *Other cause exists as follows (*specify*): ☐ See attached page.

Movant attaches the following:

1. ☐ Declarations required by Local Bankruptcy Rules 4001-2(a)(4).
2. ☐ Other relevant evidence:
3. ☐ (*Optional*) Memorandum of points and authorities upon which the moving party will rely.

WHEREFORE, Movant prays that this Court issue an Order granting the following:

- ☐ Relief as requested.
- ☐ Other:

Dated:

[Attorney for] Movant